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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2938/2003
MA 930/2004
MA 1120/2004

New Delhi this the 27th day of May, 2004

Hon'ble Shri Sarweshwar Jha, Member (A)

Mrs. Prem Lata Ghai,
15, Satilila Apt's Adanbagh,
P.O.Dayalbagh, Agra...

...Applicant

(By Advocate Shri M.C.Dhingra)

VERSUS

1. Commissioner,
Kendriya Vidyalaya Sangathan,
Nehru House, 18 Institutional Area,
Shaheed Jeet Singh Nagar,
New Delhi.

2. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Section 'J' Aliganj,
Lucknow (UP)

3. Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Opposite Maida Mill, Bhopal (MP)

...Respondent

(By Advocate Shri S.Rajappa)

O R D E R (ORAL)

Heard.

2. This OA has been filed by the applicant with a prayer that respondents be directed to grant voluntary retirement and pay all the retiral benefits to her with interest @ 18 % per annum. The applicant was intially appointed as Primary Teacher in a temporary post in Kendriya Vidyalaya Sangathan and was posted to Kendriya Vidyalaya at Khetrinagar vide the letter of the respondents dated 1.7.1974. She was subsequently transferred to Kendriya Vidyalaya, Air Force Station, Agra in February, 1981. She proceeded on leave initially for six months with permission to go to USA and Canada. She was granted 90 days' leave and



also granted permission to travel abroad vide their letter dated 23.10.1989 (Annexure A/3). She has submitted that she fell ill while in New York and that she informed the Principal, Kendriya Vidyalaya, AFS, Agra requesting her to grant her extension of leave on medical grounds. The details of what was done to her representation have been given in sub-para 4 of the OA. She came back from the USA after six years of her having proceeded on leave on 17.10.1994 when she submitted her joining report to Kendriya Vidyalaya, Agra.

3. It appears that the applicant had submitted a representation on 21.10.2002 addressed to Joint Commissioner (Administration), Kendriya Vidyalaya Sangathan, New Delhi with copies to the Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, The Deputy Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, the Education Officer (Legal Cell), Kendriya Vidyalaya Sangathan, New Delhi and the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Sector-J, Aliganj, Lucknow (UP) making a request, among other things, that she be granted voluntary retirement if it was not possible for Kendriya Vidyalaya Sangathan to allow her to join her duties. She had given the facts of having proceeded on leave to the USA and other preceding developments regarding her transfer to Bhind and had requested for change of posting to Agra/Mathura and Tundla, as mentioned in paras 6,7 and 8 of the said representation.

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4. The crux of the matter is thus that while her request, for her posting to any of the different stations as submitted by her in her representation has not been considered and decided by the respondents, she has decided to seek voluntary retirement in the event of her not being allowed to join duties as per her request. The matter is still pendinng with the respondents, as she has not received any reply to the said representation.

5. Learned counsel for the respondents has suggested that the proper course at this stage would be to dispose of this OA with a direction to the respondents to consider her representation as submitted by her on 21.10.2002 and to dispose it of as per law/rules on the subject within a time frame.

6. I have perused the facts of the case as submitted by the learned counsel for the applicant in the OA and also heard the learned counsel for the parties, I am of the considered view that the matter raised by the applicant is quite simple as made in Para 8 of the OA. While in the representation she had made it condition that if it is not possible for the respondents to allow her to join duties, she be granted voluntary retirement, in Paragraph 8 of the OA she has categorically submitted that she may be allowed voluntary retirement. She has not indicated any

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particular date when she should be allowed voluntary retirement.

7. Having regard to the facts and circumstances of the case as submitted by the learned counsel for the applicant and also as clarified by the learned counsel for the parties I dispose of this OA with a direction to the respondents to consider the representation of the applicant filed on 21.10.2002 which has been pending with them and also this OA, treating it as an additional representation of the applicant, and give due consideration to the prayers as have been made therein supported with facts as mentioned therein and to dispose them of by issuing a reasoned and speaking order within two months from the date of receipt of a copy of this order, keeping in view the rules and instructions on the subject. Respondents may also give personal hearing to the applicant before the matter is disposed of by them if the applicant so desires. With this, the OA stands disposed of. No order as to costs.

8. Accordingly, the learned counsel for the respondents is not pressing for the two MAs, namely, MA 930/2004 and MA 1120/2004, which also stands disposed of.



(Sarweshwar Jha)
Member (A)

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